# Would you want this next to your home? Lawson Rd., Georgetown DE.



## Introduction

The dramatic image on the cover of this document, captured on June 13, 2018, shows a parcel located on Lawson Rd., in Georgetown, Delaware.

For reasons you will come to understand, I request that each of you keep my name confidential.

In this document you will read a background of how I became involved, details regarding the illegal dump site shown on the cover image along with what I believe are two other major pollution sites I have discovered in Sussex County, and what appears to be a systematic pattern of cover up, obfuscation, and alliance that leads me to believe the State of Delaware holds the financial welfare of Mountaire Farms ahead of the health of its Citizens.

To make matters worse, DNREC tried to enter into an agreement with Mountaire Farms (i.e., the Federal case) to essentially let Mountaire Farms off the hook for cleaning up its past transgressions. Civil lawyers were forced to intervene to prevent this atrocity. The State must either require Mountaire Farms or whoever is found to be dumping throughout the woods I have identified in this document to clean up all of the contamination, both past and present, force the property owners to, or do so itself. It simply cannot remain.

You MUST take this environmental catastrophe seriously. Dead seriously.

# Background

I am writing you to voice incredible frustration regarding my inability to get the State of Delaware and the Federal government to stop the massive ongoing, egregious, and deliberate poisoning of the air and groundwater near and upstream of my home.

Secretary Garvin, you may remember me. I called you twice around February 2018. My first call was because I was extremely concerned about an interaction I had with an employee of DNREC when I went to get my water tested after discovering I had been poisoned. When I asked if she knew what areas had been impacted by the Mountaire chicken plant problem, she replied in a nasty tone, "Who sent you here, the attorneys?!" The second call was when I discovered that same employee only gave me half of my water test kit, omitting the bottle that tests for Nitrogen, something I discovered also happened to the neighbor of a church elder in one of the many communities I have visited.

In February and March of this year, I again contacted your office twice to discuss ongoing dumping in Sussex County. I have not received a return phone call even though I emphatically told your employee, Octavia, the gravity of this situation and that I needed to speak to either you or your assistant as soon as possible. That is unacceptable, and Octavia should be told to follow through with her promises.

In 2018 I joined the Class Action lawsuit, Cuppels v. Mountaire Corporation, S18C-06-009 CAK, regarding alleged contamination of our air and groundwater, and began having bottled water delivered to my home.

Several of my maladies cleared up almost immediately. However, I am permanently maimed with two. I will spare you the gruesome details of what happened to me when I was poisoned. However, I detailed my many illnesses, three of which can cause cancer, to Judge Karsnitz who is overseeing this case.

This February I received notice that a proposed settlement had finally been reached. I looked at the only evidence we were provided, Exhibit A, and immediately realized it appeared to lack scientific credibility. I discussed this with my husband, Dr. [Extraction Processing] who holds a PhD in meteorology and was awarded by NOAA as the top meteorologist in the country. He concurred.

I have voiced those concerns to Judge Karsnitz. In short, both the air and water settlement areas appear to have been derived out of science fiction rather than actual science. If you analyze the map in Exhibit A as I have you will see that, with great precision, it excludes communities and includes chicken farmers throughout the area using both the air and water settlement areas. I believe they are potential vehicles being used to distribute money right back to Mountaire Farms.

I wanted to figure out what was going on, so I read the Notice of Violation and discovered that the northernmost section of the water settlement area had not been fined for violations. Because of that I looked at satellite images and saw what appeared to be active dumping in two locations in that area. My suspicion proved to be correct. I entered those woods, took photographs, collected effluent and soil samples, and dead animals I have stored in a freezer in an undisclosed location. One of those animals died right in front of a Citizen who lives nearby, and another dead animal was found the following day (Exhibit I).

I also sought to find out how to get a stay in the case given the seemingly corrupt nature of the proposed settlement and because of the ongoing pollution I had discovered. I was given endless finger pointing throughout the numerous County, State, and Federal agencies I called, and was repeatedly told, "There is nothing I can do to help you." That exact sentence.

Therefore, because I believed that had the potential to be the Federal crime of self-dealing, I called the FBI. I explained to the operator that I had two potential crimes to report, environmental and white collar. I was told to call the EPA. I told her I would do so, but I had an additional potential crime to report. She again told me to call the EPA and hung up on me. Stupefied, I called back only to be told by the second operator that I should call the EPA and probably 911, which seemed unwise to me, so I did not. I request that you contact the FBI and suggest they change their policy of letting Citizens alert them of only one crime at a time, and also that they get back to them if they do not know who they are supposed to contact to report Federal crimes, particularly those such as self-dealing that fall under the jurisdiction of the FBI according to their website.

In my numerous phone calls to State government offices, I was told by an employee in the Delaware Attorney General's office to call my United States Representative. This made no sense to me because of the separation of powers, nevertheless I did, hoping the matter would at least be referred to the proper authority. Congresswoman Blunt-Rochester's office did not answer the phone, so I called Senator Coons' office and spoke to his assistant who told me he cannot do anything because of the separation of powers issue.

Running out of options and time, I called the United States Attorney General's hotline. I explained to Operator 23 the nature of my call regarding both the legal aspect and the pollution I had witnessed. He recommended I call the FBI. I told him that had already failed. He reiterated his point that they were the correct organization to call so he transferred me to that line. The first attempt was met with a busy signal and the second time no one picked up. I called Operator 23 again and asked what he would do. He also told me to call 911, so I reluctantly and unfortunately did.

I told the 911 operator the nature of my call and was again told this was a matter for the EPA to handle, which made sense to me. Two State police officers arrived at my door a few moments later. They told me I had called 911 twice and that was not the purpose of that line and not to call it again. (I had only called once. The call was transferred.) After they left, a different State police officer arrived at my door. I explained to this officer what had happened and also told him I had been instructed to call 911 by the US Attorney General's office. He restated the point that I was not to call 911 unless there was a crime to report and that I would be arrested if I did. I recommend the State Police change that policy and that officers should be required to report all crimes to the correct authority.

#### Class Action Suit

The Class Action lawsuit has a pending proposed settlement over which I initially objected. Because that case has unnecessarily dragged on for years while the surrounding communities have continued drinking and bathing in contaminated water, and because illegal dumping has once again started and friends and are neighbors getting sick, one of whom died unexpectedly in February, I reluctantly agreed to drop my objection as the only measure I had left to provide at least some Citizens with the financial means to acquire water treatment systems for themselves.

The attorneys agreed to provide my husband and me with extra funding outside of the lawsuit and have the claims adjudicator include us as though we were in the air settlement area. They said they would cover that cost because it would be illegal to do so within the suit itself as that would be unfair to others who were also excluded. I will be honest, that sounds like an illegal bribe to me, and it should be if it is not. Nevertheless, they and the judge have assured me it is legal. I only bring that up now because I do not want to end up in prison because I accepted what appears to me to be an illegal bribe. I trust Judge Karstnitz, however, one would think they could trust the government entirely. Sadly, I no longer do.

I intend on using those funds as reimbursement for money I spent purchasing a water treatment system for a Citizen who is in imminent danger due to ongoing massive contamination of the groundwater within feet of her home, and to reimburse her neighbor for the water treatment system he purchased because I feel he was unjustly dropped from the settlement class. I will also use those funds to aid a young mother I met who has a special needs child born with a detached colon while she was living near the two active dump sites near their homes. She said it was a rare birth defect and that she was always curious because her friend's baby was also born with that same rare birth defect. She had never even heard of the "System Upset" at Mountaire Farms.

## Active Dump Sites

There are three parcels with apparent active dumping (Exhibit B). Topographic maps and cross-sections (Exhibit C) show these sites are at higher elevation and upstream in the groundwater from my community, Indian Summer Village, which is located off Rt. 24 in Millsboro. It is worth noting that mine is the only sizeable community on well water between these active dump areas and the Indian River. My community is once again being poisoned.

Land elevation profiles along lines emanating from the northernmost active dump site and ending at various points along Indian River and Rehoboth Bay indicate drainage to each of those locations. Indian Summer Village, where my home is located, lies between lines 4 and 5 in the center of the groundwater flow of all three dump areas and is likely within the highest impact zone. However, the inset map identifies a much broader area of potential impact.

- 1) Exhibit D shows active dumping occurring in Parcel 234-21.00-139.00 in the 2400 block of Lawson Rd. in Georgetown. Witnesses told me trucks with tanks on the back enter that property two or three times per week.
  - Exhibit D-1 shows the parcel profile.
  - Exhibit D-2 shows the parcel location.
  - Exhibit D-3 shows there is no dumping permit.
  - Exhibit D-4 shows a satellite image indicating the proximity of this dump with that in Exhibit E, and an inset of this dump.
  - Exhibit D-5 shows a satellite image dated 6/13/2018 with details of the inset provided in Exhibit D-4.
- 2) Exhibit E shows active dumping occurring in Parcel 234-21.00-138.00 in the forest directly adjacent to the dump in Exhibit D.
  - Exhibit E-1 shows the parcel profile.
  - Exhibit E-2 shows the parcel location.
  - Exhibit E-3 shows there is no dumping permit. The date provided on the website is inaccurate. According to Ann Lepore of Sussex County Council Planning & Zoning, the correct permit date is from October 1993.
  - Exhibit E-4 shows a satellite image indicating the proximity of this dump to that in Exhibit D, and an inset of this dump.
  - Exhibit E-5 shows recent fresh tracks leading to a manmade pond there. I neglected to photograph that pond, but it can be seen in the satellite image. All of the deforested areas in the woods must be inspected as they appear to be the remains of long-abandoned dumping. This must be cleaned up as the pollution will otherwise continue contaminating the groundwater essentially forever. While effluent makes its way through the groundwater fairly quickly, a forestry expert I contacted said the minerals travel at a rate of one inch per five years.
  - Exhibit E-6 shows the same dump from a different angle and includes fresh tracks and
    an abandoned mound. I made two trips into the woods; First just to see what was going
    on, and the second to gather evidence and take photos. In just that short period of time
    fresh tracks appeared leading to the pond and the woods showed further clearing,
    indicating this dump site appears to be active and expanding operations.
  - Exhibit E-7 shows a recently cleared path.
  - Exhibit E-8 shows a path with saplings growing, indicating this area was used in the recent past.
  - Exhibit E-9 through E-11 show examples of abandoned mounds found throughout the woods.
  - Exhibit E-12 shows a large clearing with abandoned mounds.
  - Exhibits E-13 shows a large recently cleared area, and a well head to identify location. It also appears to be used as a marker. Markers such as these are located throughout those woods.
  - Exhibit E-14 show a well head to identify the location.
  - Exhibit F shows a satellite image dated 3/23/1992 indicating these areas in Exhibit D and Exhibit E have been a source of pollution for decades.

- 3) Exhibit G shows likely active dumping occurring in Parcel 234-8.00-18.03 which is located at 22244 Deep Branch Rd, in Georgetown. I was led to this location because Ex. 6 Personal Privacy (PP) was initially a member of the settlement class but was subsequently dropped. Given that location is seven miles away from Mountaire Farms, I used satellite images to inspect the area and discovered the apparent dumping near his home.
  - Exhibit G-1 shows the parcel profile.
  - Exhibit G-2 shows the parcel location.
  - Exhibit G-3 shows there is no dumping permit.
  - Exhibit G-4 shows the evolution of dumping that occurred on that parcel between June 2011 and July 2015.
  - Exhibit G-5 shows an inset of an April 2017 satellite view showing effluent on the surface.
  - Exhibit G-6 shows recovery of the woods had taken place by June 2018, which indicates
    the area had stopped being used. This aligns with the date in which Mountaire Farms
    received the Notice of Violation. This exhibit also shows an October 2019 street view of
    those woods showing the truck path has been reestablished and fresh tracks indicating
    the dumping operation has restarted.

## Medical Concerns

The following examples highlight the extreme danger associated with this ongoing illegal dumping. Aside from my husband and me and Mr. and Mrs. [Ex. SPERSON PROMOTION] the following people and their spouses/fiancée were initially included in the Class Action lawsuit but were subsequently dropped from the settlement and told their properties were not impacted.

Ex. 6 Personal Privacy (PP) property is on Lawson Rd. and directly abuts both parcels shown in Exhibits D and E. She recently went to the hospital with severe sinus issues, something she experiences regularly. Her husband, is on oxygen and has been for years since they moved into their home. As previously stated, historic satellite imagery shows those properties have been used as illegal dumping grounds since at least March, 1992, prior to when they moved into their home.

As mentioned earlier, I purchased the awater treatment system for fear of her and her husband's lives. They had been drinking bottled water. However, bathing in poisonous water is also extremely dangerous. I know that from personal experience.

Ex. 6 Personal Privacy (PP) home is across the street from Ms [st 6 Personal Privacy (PP)] and directly abuts Swan Creek, the lowest elevation in the area and downgradient from the active dump sites. Mr. has sustained multiple grave injuries. He was admitted to the hospital for three days with an infection in his face that he felt nearly killed him as his face grew twice the normal size. Based on my personal experience, which you will read, and having seen him personally, I absolutely agree with his sentiment.

In the same period, Mr. fell over in his yard from vertigo and laid there for 45 minutes before making it into his home. The vertigo did not recede for three days before he went to the hospital. To this day he cannot be outside his home without cramping up unless he takes Potassium beforehand.

Mr. owns a small business that is physically demanding. He said this does not happen to him anywhere but at his home.

## Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP) and his fiancée lived near and downstream of the area of ongoing pollution in Exhibit G at the time the groundwater and air were first contaminated, and were told their home may have been affected. Both he and his fiancée also sustained grave injuries from which they still suffer including lung issues, a kidney stone, and spots on their livers. One of the causes of kidney stones is hypercalcemia, an extremely dangerous condition I developed at the time.

#### Ex. 6 Personal Privacy (PP)

healthy as he had run a roofing company. He has since had two heart attacks, a blood clot, a loop recorder that recorded his heart stopping twice after having passed out, 10 stents installed in his heart and one in his kidney, and had a pacemaker installed.

## Ex. 6 Personal Privacy (PP)

I am allergic to chicken. I have sustained numerous physical injuries for which I received medical treatment. Until I installed a whole-house water treatment system I routinely awoke with the contents of my stomach in my mouth. I am no longer living in my home because the air is toxic, and I regularly find myself sneezing and coughing and cannot catch my breath. This also happens to my neighbor. I have woken up coughing and have been told I sometimes cough in my sleep. My husband lost 30% of his lung capacity after moving into our home. Showering left me and some of my guests with extreme itching. I was terrified when a skin infection spread over my face and body in 2017 and came within one centimeter of entering my urethra where I feared it would spread rapidly and kill me. I developed extreme permanent tinnitus. Very uncharacteristic of me, I had suicidal thoughts which I told friends and family about to keep an eye on me. A neighbor in my community died unexpectedly this February, and another who developed irritable bowel syndrome when Mountaire Farms first had their "System Upset" is once again having it flare up.

# Federal EPA Cases

There are currently two open Federal EPA cases regarding the active dump sites. There should be three. None have led to even the slightest move by the State to stop these crimes.

#### Case not opened

On March 29, 2021, [Ex. 6 Personal Privacy (PP)] called the Federal EPA environmental emergency hotline to report illegal dumping in the lot next to her home (the parcel on the cover). She was then transferred to a State-level office. She informed the woman who answered the phone details regarding the nature of her concern. That woman took down her name and phone number and said she would get back to Ms. [Section As of April 1, 2021, she has not been contacted. That is unacceptable and, as you will see, is a disturbing pattern.

#### Case 1297869

regional field office to forward his case to the State-level EPA office. Mr. subsequently received a phone call from a man with a blocked phone number telling him the ongoing dump site is private property and there is nothing they can do about it. That is unacceptable. It is incumbent upon the EPA and DNREC to investigate all reports of environmental crimes. It is one of their most important functions.

#### Case 1298294

On February 18, I made two phone calls to the U.S. EPA to open a case regarding these environmental crimes. The first phone call was at 12:57 AM in which I spent 41 minutes explaining the nature of the crime, only to be told the operator would not open a case.

The second phone call was at 1:39 AM in which I spent 63 minutes explaining the nature of the crime to a different operator. I told her I had a satellite image of the dumping in progress, which she said she could not view, and that she also would not open a case. After begging and telling her people in my community had died and got extremely sick because of past polluting and were again getting sick and dying, she finally acquiesced and opened a case. I recommend alerting the EPA of this situation and that they change that policy of not opening cases for all environmental crimes being reported by Citizens.

The following morning, I received a phone call about my case.

As you can see from my call logs (Exhibit H):

- O At 7:11 AM I received a call from telephone number [EX.6 Personal Privacy (PP)]. For 13 minutes I explained the nature of the crime to that man and unbelievably was told, "I don't deal with conspiracy theories." I asked if he was at least willing to look at a satellite image and was told no. He then hung up on me.
- At 7:24 AM I called that number back and spoke for 4 more minutes explaining the situation to no avail.
- At 7:27 AM I called that number for the last time and left a 12-minute message explaining the nature of the illegal dumping and the experiences I had thus far had trying to report it.

I never heard back from him.

That experience was truly incredible. Between not being given my complete water test kit and not being afforded the opportunity to show the government employee assigned to my case absolute proof of my groundwater and air being contaminated, I cannot decide which is worse. In both cases State employees were willing to let me continue being poisoned.

Do not mention my name to this employee when he is hopefully removed from his position.

This entire scenario highlights the complete breakdown of the State of Delaware and major flaws in the Federal government to deal with environmental and white-collar crimes when reported by Citizens.

# Notice of Violation

My attorney said the northernmost area of the groundwater settlement area was included because past dumping had occurred there, but that it had not been very much and occurred a long time ago. It does not matter if it was a little or a lot. It should never have been done at all.

Page 3 of Notice of Violation WD-17-GWD-13, dated November 2, 2017, refers to the Mountaire Farms contamination of our groundwater and air as the "Recent Wastewater Treatment Plant System Upset". While their systems may have had mechanical problems, that did not give them the right to overspray fields or to dump in woods. That was a deliberate action, which in my opinion makes it a flagrant crime that should have been tried by the State in criminal court.

Instead, the State leveed a \$600,000 fine.

Using 2015 revenue estimates (which have increased according to 2019 estimates), Mountaire Farms has had revenue of over \$13 billion dollars since 2015. \$600,000 is less than one half of one percent of that number. It is financially beneficial to Mountaire Farms to break the law and take the fines. What is more is that fine is reduced to only \$420,000 for good behavior. A fine such as that is worthless. The State, under my recommendation, did not even bother to use that money to test our wells to alert Citizens of the potentially hazardous conditions we may have been put under due to Mountaire Farms' callous disregard for our safety. I spoke to people throughout the community who never even heard of the lawsuit or the associated ecological catastrophe. This pay-to-play activity must stop.

Mountaire Farms' actions have led to untold suffering and death. The \$65 million civil settlement barely scratches the surface. In fact, this amount is only \$20 million more than Mountaire Farms' owner's political contributions since they started contaminating our groundwater and air in 2015. In effect, they took the profits they received from that callus action and used to it peddle influence with their political partners who write and enforce the law.

Because this apparent crime was not tried by the State, as it should have been, I was put in an inherent disadvantage because I cannot afford powerful attorneys and I do not know the law such that I could sue Mountaire Farms in criminal court myself. That made me an unsuspecting victim, the very thing I pay the government to protect me from. Meanwhile, the resulting Class Action lawsuit has dragged on for three years while Citizens have continued drinking and bathing in poisonous water and breathing poisonous air. This is a major part of what I consider to be a pattern on the part of the State to aid Mountaire Farms while flagrantly disregarding the health of Delawareans.

Well tests show that during 2015-2017, Mountaire Farms consistently had unacceptable levels of Nitrogen, Total Suspended Solids, Biological Oxygen Demand, Chlorine, and Fecal Coliform Bacteria.

The government should have acted immediately on every single one of these events. What is the point of testing the wells daily if it does not result in action when they are in violation? Citizens likely died and became extremely ill due to that negligence.

## Nitrogen

- In 2015 Mountaire Farms exceeded the total limits of Nitrogen to be applied. The amount was not provided in the Notice of Violation, nor was this data provided for 2016.
- Between January 4, 2017 and October 20, 2017, Mountaire Farms breached the acceptable levels of Nitrogen in test wells on 30 separate days. No data was provided in the Notice of Violation for the years of 2015 and 2016.
- In July of 2017 Mountaire Farms failed to report Nitrogen levels.
- By August of 2017 Mountaire Farms exceeded the limits of Nitrogen in 9 out of 13 fields.

# Biological Oxygen Demand

• Mountaire Farms exceeded the limits of Biochemical Oxygen Demand on five days in 2015, seven days in 2016, and 17 days in 2017.

# Total Suspended Solids

- No data was provided in the Notice of Violation for Total Suspended Solids levels in 2015.
- In 2016 Mountaire Farms exceeded the acceptable levels of Total Suspended Solids on one day.
- In 2017 Mountaire Farms exceeded the Total Suspended Solids limit on 23 days.

## Total Residual Solids

• In September 2017 Mountaire Farms was not within the acceptable limits of Total Residual Chlorine on 16 days. No data was provided in the Notice of Violation for any other month since 2015.

# Fecal Coliform Bacteria

- In 2017 Mountaire Farms <u>egregiously</u> exceeded the acceptable limits of <u>Fecal Coliform Bacteria</u> on nine days. That acceptable level was 200 mg/L. On August 31, 2017, that number was 1,100,000, an exceedance of 550,000%. The previous day, August 30, 2017, Mountaire Farms <u>egregiously</u> exceeded the acceptable level of Nitrogen of 15.6 mg/L with a reading of 406 mg/L, an exceedance of 2,605.5%. **That is a deadly combination.**
- No data was provided in the Notice of Violation for 2015 and 2016 regarding Fecal Coliform Bacteria.

## Proposed Resolution

The following are not intended to be demands. They are what I consider to be reasonable requests given the experiences I and others have endured.

- I request the State to immediately investigate these areas of continued active polluting that are poisoning our groundwater and air and put a stop to it.
- I request the State immediately drain any liquid from the surface, remove the concrete boulders, dig up the trench next to [EX. 6 Personal Privacy (PP)] home, and fill it with clean soil, as I believe the lives of Citizens in that neighborhood to be in imminent danger.
- I request the State monitor these areas in the future to prevent their further use as illegal dumps.
- These are Federal and State crimes. I request the State work with the Federal government and prosecute these crimes.

- We did not choose to have our groundwater contaminated and should not have to bear the associated costs. Given the State was aware Mountaire Farms had been contaminating our groundwater repeatedly and consistently for years and did nothing to stop them which effectively increased their profits and State tax revenue, and because someone is currently contaminating our groundwater and air in the same location included in the proposed settlement of the Class Action case, and because the State fined Mountaire Farms \$600,000 and did not test our water to see if it was contaminated as I requested, and because members of our community are once again getting sick and dying, I am requesting the State consider using those funds to work with a water service provider, such as Tidewater Utilities, to fully fund all costs of providing clean water to both my community, Indian Summer Village, and community of Lawson Rd., both of which are on well water and had our groundwater deliberately contaminated. If that is not enough money to do the job, I request that those communities as well as all others on well water within the vicinity of Mountaire Farms be placed high on the list as recipients of the Clean Water for Delaware Act. As Governor Carney said, "Delawareans deserve clean water. It's as simple as that!" The offer to install water treatment systems would be reasonable, however, most homes in our neighborhood do not have enough storage as it is and water treatment systems take up space, particularly in those homes with smaller garages. In addition, water treatment systems require maintenance involving the lifting of heavy bags. Mine is a retirement community with several elderly widows, one of whom I have been the primary care provider for since her husband died of two types of cancer at once when the last Biblical wave of death befell our community. They should not be required to purchase and lift heavy bags regularly.
- I request that we not have our wells condemned such that we cannot irrigate our lawns with them as it would be cost prohibitive to do so using a water service provider.

## Conclusion

I highly recommend addressing the ecological problems promptly as there are a lot of Citizens in the area who know this is going on and are equally concerned. The poison needs to be cleaned up, Mountaire Farms needs to be held accountable both civilly and criminally, and the State needs to stop putting Mountaire Farms' corporate profits ahead of the welfare of its Citizens.

I would like to reiterate my request to have my name kept confidential.

Thank you for your assistance in addressing my concerns. If you have any questions I can be reached at Ex. 6 Personal Privacy (PP) Please leave a message with a call back number and time to call as I am not accepting phone calls from anyone I do not know.

Most sincerely,

Ex. 6 Personal Privacy (PP)